

## ETHICS AND CAMPAIGN DISCLOSURE BOARD, IOWA[351]

### Notice of Intended Action

#### **Proposing rule making related to update of rules and providing an opportunity for public comment**

The Iowa Ethics and Campaign Disclosure Board hereby proposes to rescind Chapter 3, “Iowa Election Campaign Fund,” and to amend Chapter 4, “Campaign Disclosure Procedures,” Chapter 5, “Use of Public Resources for a Political Purpose,” Chapter 6, “Executive Branch Ethics,” Chapter 8, “Executive Branch Lobbying,” and Chapter 15, “Waivers or Variances from Administrative Rules,” Iowa Administrative Code.

#### *Legal Authority for Rule Making*

This rule making is proposed under the authority provided in Iowa Code section 68B.32A(1).

#### *State or Federal Law Implemented*

This rule making implements, in whole or in part, Iowa Code chapters 17A, 68A and 68B.

#### *Purpose and Summary*

The proposed rescission of Chapter 3 is intended to implement 2017 Iowa Acts, House File 242, which repealed Iowa Code sections 68A.601 through 68A.609. The proposed amendments are intended to bring the rules in conformity with the current versions of Iowa Code chapters 68A and 68B, including correcting typographical errors, updating citations, updating contact information, and implementing 2014 Iowa Acts, House File 2473; 2015 Iowa Acts, Senate File 135; 2015 Iowa Acts, Senate File 199; 2018 Iowa Acts, Senate File 2256; 2018 Iowa Acts, House File 2475; 2019 Iowa Acts, House File 392; and 2020 Iowa Acts, House File 2389.

#### *Fiscal Impact*

This rule making has no fiscal impact to the State of Iowa.

#### *Jobs Impact*

After analysis and review of this rule making, no impact on jobs has been found.

#### *Waivers*

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Board for a waiver of the discretionary provisions, if any, pursuant to 351—Chapter 15.

#### *Public Comment*

Any interested person may submit written comments concerning this proposed rule making. Written comments in response to this rule making must be received by the Board no later than 4:30 p.m. on November 12, 2020. Comments should be directed to:

Mike Marshall  
Iowa Ethics and Campaign Disclosure Board  
510 East 12th Street, Suite 1A  
Des Moines, Iowa 50319  
Fax: 515.281.4073  
Email: [mike.marshall@iowa.gov](mailto:mike.marshall@iowa.gov)

### *Public Hearing*

A public hearing at which persons may present their views orally or in writing will be held as follows:

November 13, 2020  
2 to 2:30 p.m.

Via teleconference  
Conference line: 866.685.1580  
Conference code: 2550409115

Persons who wish to make oral comments at the public hearing may be asked to state their names for the record and to confine their remarks to the subject of this proposed rule making.

Any persons who intend to attend the public hearing and have special requirements, such as those related to hearing or mobility impairments, should contact the Board and advise of specific needs.

### *Review by Administrative Rules Review Committee*

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rule-making actions are proposed:

ITEM 1. Rescind and reserve **351—Chapter 3**.

ITEM 2. Amend subrule 4.1(1), introductory paragraph, as follows:

**4.1(1) Persons subject to requirement.** Every committee shall file a statement of organization (Form DR-1) within ten days from the date of its organization. The forms shall be ~~either typewritten or printed legibly in black ink~~ filed in electronic format.

ITEM 3. Amend subparagraph **4.1(1)“a”(1)** as follows:

(1) A “candidate’s committee” that is the committee, even if the committee consists only of the candidate, designated by a candidate for a state or local office to receive contributions, make expenditures, or incur debts in excess of ~~\$750~~ \$1,000.

ITEM 4. Amend subparagraph **4.1(1)“a”(2)** as follows:

(2) A “political committee” (PAC) that is a committee exceeding the ~~\$750~~ \$1,000 organizational threshold to expressly advocate the nomination, election, or defeat of candidates or to expressly advocate the passage or defeat of a ballot issue. The board shall automatically classify as a political committee any political organization that loses its status as a political party because it fails to meet the requirements of Iowa Code section 43.2. The board shall automatically classify as a political committee any county central committee that operated under the former political party.

ITEM 5. Amend paragraph **4.1(1)“b”** as follows:

*b. When organization occurs; financial thresholds.* At the latest, organization is construed to have occurred as of the date that the committee first exceeded ~~\$750~~ \$1,000 of financial activity in a calendar year in any of the following categories: contributions received (aggregate of monetary and in-kind contributions); expenditures made; or indebtedness incurred.

ITEM 6. Amend paragraph **4.1(1)“c”** as follows:

*c. Permanent organizations temporarily engaging in political activity.* The requirement to file the statement of organization applies to an entity that comes under the definition of a “political committee” (PAC) in Iowa Code ~~Supplement~~ section 68A.102(18) by receiving contributions, making expenditures, or incurring debts in excess of ~~\$750~~ \$1,000 in any one calendar year for the purpose of expressly advocating the election or defeat of a candidate for public office, or for the purpose of expressly advocating the passage or defeat of a ballot issue. A permanent organization that makes a one-time contribution in excess of ~~\$750~~ \$1,000 may in lieu of filing a statement of organization follow

the procedure in rule 351—4.35(68A). A permanent organization that makes loans to a candidate or committee or that is owed debts from a candidate or committee is not deemed to be engaging in political activity requiring registration.

ITEM 7. Amend subrule 4.1(2) as follows:

**4.1(2) *Place of filing.*** Statements of organization ~~mandated by statute to be filed electronically with the board~~ shall be filed through the board's Web-site ~~website at [www.iowagov/ethics](http://www.iowagov/ethics)~~ [ethics.iowa.gov](http://ethics.iowa.gov). A statement of organization ~~not mandated by statute to be filed electronically may be filed with the board at 510 East 12th Street, Suite 1A, Des Moines, Iowa 50319; by fax at (515)281-4073; or as an E-mail attachment.~~

ITEM 8. Amend subrule 4.1(3) as follows:

**4.1(3) *Time of filing.*** A statement of organization shall be filed with the board within ten days after the financial filing threshold in subrule 4.1(1) has been exceeded. ~~A statement must be physically received by the board or, if mailed, must bear a United States Postal Service postmark dated on or before the report due date. Faxed or electronically filed statements must be submitted on or before 11:59 p.m. of the tenth day after the organization of the committee is required. A committee that is mandated by statute to electronically file a statement of organization shall file the statement with the board on or before 4:30 p.m. on the due date. If the tenth day falls on a Saturday, Sunday, or holiday on which the board office is closed, the filing deadline is extended to the next working day when the board office is open.~~

ITEM 9. Amend subrule 4.1(6) as follows:

**4.1(6) *Electronic format or electronic filing defined.*** “Electronic format” or “electronic filing” means the board's electronic filing system for submitting a statement of organization via the board's Web-site ~~website at [www.iowa.gov/ethics](http://www.iowa.gov/ethics)~~ [ethics.iowa.gov](http://ethics.iowa.gov).

ITEM 10. Amend rule ~~351—4.1(68A,68B)~~, implementation sentence, as follows:

This rule is intended to implement Iowa Code ~~section~~ sections 68A.201 and ~~section~~ 68A.401 as ~~amended by 2009 Iowa Acts, Senate File 51, section 1.~~

ITEM 11. Amend rule ~~351—4.2(68A,68B)~~, implementation sentence, as follows:

This rule is intended to implement Iowa Code ~~Supplement~~ section 68A.201.

ITEM 12. Amend rule ~~351—4.3(68A,68B)~~, implementation sentence, as follows:

This rule is intended to implement Iowa Code ~~Supplement~~ section 68A.201.

ITEM 13. Amend subrule 4.4(3) as follows:

**4.4(3) *Signatures.*** ~~The candidate and treasurer shall sign the statement of organization filed by a candidate's committee. The chairperson and treasurer shall sign a statement of organization filed by any other type of committee.~~ A statement of organization filed electronically using the board's Web-site website is deemed signed when filed.

ITEM 14. Amend rule ~~351—4.4(68A,68B)~~, implementation sentence, as follows:

This rule is intended to implement Iowa Code ~~Supplement~~ section 68A.201.

ITEM 15. Amend rule ~~351—4.5(68A,68B)~~, implementation sentence, as follows:

This rule is intended to implement Iowa Code ~~Supplement~~ sections 68A.201 and 68A.203.

ITEM 16. Amend subrule 4.6(1) as follows:

**4.6(1) *Amendment within 30 days.*** If there is a change in any of the information disclosed on a statement of organization, the committee shall file with the board an amended statement within 30 days of the change. An amended statement shall be filed with the board in a format as required by ~~2009 Iowa Code Supplement section 68A.401 as amended by 2010 Iowa Acts, Senate File 2128, section 3, and board rule 351—4.1(68A,68B)~~ this chapter.

ITEM 17. Amend subrule 4.6(2) as follows:

**4.6(2) *New office sought.*** A candidate who filed a statement of organization for one office but eventually seeks another office may file an amended statement of organization to reflect the change in

office sought in lieu of dissolving the old committee and organizing a new committee. A candidate filing an amended statement of organization for a new office shall continue to file the required campaign reports regardless of whether the ~~\$750~~ \$1,000 financial filing threshold for the new office has been exceeded. A candidate who has filed a statement of organization for one office and who then exceeds the financial activity threshold as set forth in Iowa Code section 68A.102(5) for a new office shall, within ten days of exceeding the threshold, file either an amended statement of organization disclosing information for the new office sought or organize and register a new committee.

ITEM 18. Amend rule ~~351—4.6(68A,68B)~~, implementation sentence, as follows:

This rule is intended to implement Iowa Code ~~Supplement~~ section 68A.201.

ITEM 19. Amend subrule 4.7(3) as follows:

**4.7(3) Funds available from prior committee.** If funds are available to a candidate's committee from a prior candidacy of that candidate, or to a ballot issue committee from a prior effort on a ballot issue, and the prior candidacy or effort had not exceeded the financial reporting threshold, the carryover balance shall be disclosed by the new committee. The disclosure shall be made on Schedule A - Contributions and shall include the amount of the carryover, the date of the prior election, and the name and address of any source that made contributions to the candidacy or ballot effort that totaled more than ~~\$750~~ \$1,000 during the preceding three calendar years.

ITEM 20. Amend subrule 4.7(4) as follows:

**4.7(4) Funds available from preballot issue activity.** Funds that are raised for an activity that is not included in the definition of a ballot issue in Iowa Code ~~Supplement~~ section 68A.102(1) and that are made available to a subsequent ballot issue committee shall be disclosed by the committee. The disclosure shall be made on Schedule A - Contributions and shall include the amount of the carryover balance, the date of the preballot issue activity, and the name and address of any source that made contributions to the activity that totaled more than ~~\$750~~ \$1,000 during the previous three calendar years.

ITEM 21. Amend rule ~~351—4.7(68A,68B)~~, implementation sentence, as follows:

This rule is intended to implement Iowa Code ~~Supplement~~ section 68A.402.

ITEM 22. Amend subrule 4.8(1) as follows:

**4.8(1) Place of filing.** Disclosure reports ~~mandated by statute to be filed electronically with the board~~ shall be filed through the board's ~~Web site~~ website at [www.iowagov/ethics](http://www.iowagov/ethics) [ethics.iowa.gov](http://ethics.iowa.gov). ~~A disclosure report not mandated by statute to be filed electronically may be filed with the board at 510 East 12th Street, Suite 1A, Des Moines, Iowa 50319; by fax at (515)281-4073; or as an E-mail attachment.~~

ITEM 23. Amend subrule 4.8(2) as follows:

**4.8(2) Reports made available.** The board shall post on its ~~Web site~~ website at [www.iowa.gov/ethics](http://www.iowa.gov/ethics) [ethics.iowa.gov](http://ethics.iowa.gov) all statements and reports filed under Iowa Code chapter 68A.

ITEM 24. Amend subrule 4.8(4) as follows:

**4.8(4) Electronic format or electronic filing defined.** "Electronic format" or "electronic filing" means the board's electronic filing system for submitting campaign disclosure reports via the board's ~~Web site~~ website at [www.iowa.gov/ethics](http://www.iowa.gov/ethics) [ethics.iowa.gov](http://ethics.iowa.gov).

ITEM 25. Amend rule ~~351—4.8(68A,68B)~~, implementation sentence, as follows:

This rule is intended to implement Iowa Code ~~section~~ sections 68A.401 ~~as amended by 2009 Iowa Acts, Senate File 51, section 1, and section 68A.402 as amended by 2009 Iowa Acts, Senate File 49, section 4.~~

ITEM 26. Amend subrule 4.9(6) as follows:

**4.9(6) State statutory political committee (state political party).** A committee defined in Iowa Code ~~Supplement~~ section 68A.102(22) 68A.102(21) as a state statutory political committee shall file campaign disclosure reports as follows:

a. and b. No change.

ITEM 27. Amend subrule 4.9(7) as follows:

**4.9(7) County statutory political committee (county central committee).** A committee defined as a county statutory political committee in Iowa Code Supplement section 68A.102(12) shall file campaign disclosure reports as follows:

a. and b. No change.

ITEM 28. Amend subrule 4.9(13) as follows:

**4.9(13) Permanent organizations.** A permanent organization temporarily engaging in political activity as described in Iowa Code Supplement section 68A.102(18) shall organize a political committee and shall keep the funds relating to that political activity segregated from its operating funds. The committee shall file reports on the applicable due dates as required by this rule. The reports shall identify the source of the original funds used for a contribution made to a candidate or a candidate's committee. When the permanent organization ceases to be involved in the political activity, the permanent organization shall dissolve the political committee. "Permanent organization" means an organization that is continuing, stable, and enduring, and was originally organized for purposes other than engaging in election activities.

ITEM 29. Amend subrule 4.9(15) as follows:

**4.9(15) Independent expenditure reporting.** An independent expenditure committee that is required to file campaign disclosure reports pursuant to 2009 Iowa Code Supplement section 68A.404(3) as amended by 2010 Iowa Acts, Senate File 2354, section 3, shall file an initial report at the same time as the committee files its original independent expenditure statement. ~~The committee shall then continue to file reports according to the same schedule as the office or election to which the independent expenditure was directed until the committee files a notice of dissolution pursuant to Iowa Code section 68A.402B(3) as amended by 2010 Iowa Acts, Senate File 2354, section 2.~~ Form Ind-Exp-O shall serve as a campaign disclosure report for an independent expenditure committee. Form Ind-Exp-I shall serve as a campaign disclosure report for a sole individual making an independent expenditure.

ITEM 30. Amend rule 351—4.10(68A) as follows:

**351—4.10(68A) Time of filing.** A report must be physically received by the board or, if mailed, shall bear a United States Postal Service postmark dated on or before the report due date. Faxed, E-mailed, or electronically filed reports must be submitted on or before 11:59 p.m. of the report due date. However, as provided in Iowa Code section 68A.402 as amended by 2009 Iowa Acts, Senate File 49, section 4, any report that is required to be filed five days or less prior to an election must be physically received by the board prior to 4:30 p.m. on the report due date. A report that is mandated by statute to be electronically filed shall be filed with the board on or before 4:30 p.m. on the due date. If the due date falls on a Saturday, Sunday, or holiday on which the board office is closed, the due date is extended to the first working day when the board office is open.

This rule is intended to implement Iowa Code section sections 68A.401(1) as amended by 2009 Iowa Acts, Senate File 51, and section 68A.402 as amended by 2009 Iowa Acts, Senate File 49, section 4.

ITEM 31. Amend subrule 4.11(1) as follows:

**4.11(1) Persons voluntarily registering a committee.** A person that has not exceeded the ~~\$750~~ \$1,000 financial filing threshold may file Form DR-SFA for purposes of using the short form "paid for by" attribution statement under Iowa Code section 68A.405 and rule 351—4.38(68A). A person using the short form "paid for by" attribution statement shall file Form DR-SFA with the board prior to distributing the political material containing the short form "paid for by" attribution statement.

ITEM 32. Amend subrule 4.11(2) as follows:

**4.11(2) ~~\$750~~ \$1,000 threshold later exceeded.** A person filing Form DR-SFA shall not be required to file a statement of organization or be required to file disclosure reports unless the ~~\$750~~ \$1,000 threshold is later exceeded. A person that later exceeds the ~~\$750~~ \$1,000 threshold and that fails to timely file a statement of organization or to timely file disclosure reports may be subject to the appropriate board sanctions as set out by statute and board rule.

ITEM 33. Amend rule 351—4.13(68A,68B) as follows:

**351—4.13(68A,68B) Report forms—summary page (DR-2) and supporting schedules.** The board may require committees to submit relevant information not specifically delineated in Iowa Code Supplement chapter 68A on their disclosure report where the report form asks for and leaves space for information. All information shall be pertinent to the duties of the board.

**4.13(1) Official reporting forms.** ~~The disclosure reporting forms provided by the board shall be the official forms on which the disclosure reports shall be submitted using the forms provided in the board's electronic filing system via the board's website at [ethics.iowa.gov](http://ethics.iowa.gov). Machine copies of original report forms are acceptable.~~ The standard forms for campaign disclosure reports are:

- DR-2 — Disclosure Summary Page
- Schedule A — Monetary Receipts
- Schedule B — Monetary Expenditures
- Schedule C — (Reserved)
- Schedule D — Incurred Indebtedness
- Schedule E — In-kind Contributions
- Schedule F — Loans Received and Repaid
- Schedule G — Consultant Activity
- Schedule H — Campaign Property

**4.13(2) Computer-generated reports.** Committees that are not mandated by statute to file disclosure reports electronically may generate a disclosure report in lieu of using a board-approved paper report or the board's electronic filing system so long as the generated report contains the same information and is in the same basic format as a board-approved paper report. A committee failing to submit a generated report that contains the same information and is in the same basic format as a board-approved paper report shall be required by the board's staff to file an amended report, and the committee may be subject to board sanctions as provided in Iowa Code chapter 68B and rule 351—9.4(68B).

**4.13(3) Typewritten or legible ink reports required.** Information provided on all forms, statements, and reports that are required to be filed under Iowa Code chapter 68A or the board's rules in 351—Chapter 4 and that are not mandated by statute to be filed electronically shall be either typewritten or printed legibly in black ink. Approved computer-generated documents satisfy this requirement. If the board deems that a form, statement, or report is not legible or is otherwise not in compliance with rule 351—4.13(68A,68B), the person shall be required to file an amended form, statement, or report and the person may be subject to board sanctions as provided in Iowa Code chapter 68B and rule 351—9.4(68B).

**4.13(4) 4.13(2) Special information required for city, school, or local ballot issue elections.** Committees expressly advocating the election or defeat of a candidate for city or school public office, or expressly advocating the passage or defeat of a local ballot issue, shall indicate in the designated spaces on the report summary page the date that the election is to be held, the period covered by the disclosure report, and the control county responsible for conducting the election.

**4.13(5) Signature on DR-2 Report Summary Page.** A disclosure report shall be signed by the individual filing the report. A disclosure report filed electronically using the board's Web site is deemed signed when filed.

**4.13(6) 4.13(3) Independent expenditure disclosures.** ~~An independent expenditure committee that is required to file campaign reports pursuant to 2009 Iowa Code Supplement section 68A.404(3) as amended by 2010 Iowa Acts, Senate File 2354, section 3, A person making an independent expenditure shall disclose campaign transaction information as required by Iowa Code section 68A.402A 68A.404(3). However, the committee is required to disclose only those monetary receipts as provided in 2009 Iowa Code Supplement section 68A.404(3) "a"(2) as amended by 2010 Iowa Acts, Senate File 2354, section 3. Form Ind-Exp-O shall serve as a campaign disclosure report for an~~

independent expenditure committee. Form Ind-Exp-I shall serve as a campaign disclosure report for a sole individual making an independent expenditure.

This rule is intended to implement Iowa Code ~~Supplement~~ sections ~~68A.402~~ 68A.402A and ~~68A.403~~ 68A.404.

ITEM 34. Amend subrule 4.14(4) as follows:

**4.14(4)** *Unitemized contributions and freewill donations.* If the committee does not choose to itemize all contributions under the itemization threshold (\$25 for most committees, see Iowa Code ~~Supplement~~ section ~~68A.402(3) “b”~~ 68A.402A(1) “b”), it shall aggregate these contributions and report the aggregate amount as “unitemized contributions.” No date received is required to be provided for miscellaneous unitemized contributions. Unitemized contributions may be solicited and received through a freewill donation such as a “fish bowl” or “pass the hat” collection if the collection is in compliance with rule 351—4.30(68A,68B). Unitemized contributions collected through freewill donations (the net amount of the collection after the itemization of those persons whose contributions of more than \$10 ~~\$25~~ in the freewill collection resulted in exceeding the annual itemization threshold) shall be reported by showing the net amount as “unitemized contributions—pass the hat (or can collection or fish bowl, for example) collection.” The “date received” to be reported for a freewill donation is the date a representative of the committee takes possession of the proceeds of the collection.

ITEM 35. Amend subrule 4.14(6) as follows:

**4.14(6)** *ID number and check number.* If a contribution to a statewide or general assembly candidate or a judge standing for retention is from a statewide political committee (PAC) or a state party committee, the candidate receiving the contribution shall include on the candidate’s disclosure report the board-assigned identification number of the contributing committee and the check number by which the contribution was made. A list of ID numbers may be obtained from the board and is also available on the board’s ~~Web site~~ website at [www.iowa.gov/ethics](http://www.iowa.gov/ethics) [ethics.iowa.gov](http://ethics.iowa.gov).

ITEM 36. Amend subrule 4.15(5) as follows:

**4.15(5)** *Candidate ID number and committee check number.* If a contribution is made by a statewide political committee (PAC) or a state party committee to a statewide or general assembly candidate or a judge standing for retention, the committee making the contribution shall include on the committee’s disclosure report the board-assigned identification number of the recipient candidate’s committee and the check number by which the contribution was made. A list of candidate ID numbers may be obtained from the board and is also available on the board’s ~~Web site~~ website at [www.iowa.gov/ethics](http://www.iowa.gov/ethics) [ethics.iowa.gov](http://ethics.iowa.gov).

ITEM 37. Amend rule ~~351—4.15(68A,68B)~~, implementation sentence, as follows:

This rule is intended to implement Iowa Code ~~Supplement~~ section 68A.402.

ITEM 38. Amend rule ~~351—4.16(68A,68B)~~, implementation sentence, as follows:

This rule is intended to implement Iowa Code ~~Supplement~~ section 68A.402.

ITEM 39. Amend rule ~~351—4.17(68A,68B)~~, implementation sentence, as follows:

This rule is intended to implement Iowa Code ~~Supplement~~ section 68A.402.

ITEM 40. Amend rule ~~351—4.18(68A,68B)~~, implementation sentence, as follows:

This rule is intended to implement Iowa Code ~~Supplement~~ section 68A.402.

ITEM 41. Amend rule ~~351—4.19(68A)~~, implementation sentence, as follows:

This rule is intended to implement Iowa Code sections 68A.102(9) ~~as amended by 2005 Iowa Acts, House File 312, section 3,~~ and 68A.402A.

ITEM 42. Amend rule ~~351—4.20(68A,68B)~~, implementation sentence, as follows:

This rule is intended to implement Iowa Code ~~Supplement~~ sections 68A.304 and 68A.402.

ITEM 43. Amend subrule 4.22(2) as follows:

**4.22(2)** If, upon review, board staff determine that a committee’s report is incomplete because required information has been omitted or has been incorrectly reported, the staff shall communicate the deficiencies to the committee. A failure to satisfactorily respond to or to remedy the error or omission

may be grounds for a violation of Iowa Code Supplement section 68A.402 as a failure to file a report which conforms to the requirements of that provision.

ITEM 44. Amend rule **351—4.22(68A,68B)**, implementation sentence, as follows:

This rule is intended to implement Iowa Code Supplement sections 68A.402 and Iowa Code section 68B.32A.

ITEM 45. Amend rule **351—4.23(68A,68B)**, implementation sentence, as follows:

This rule is intended to implement Iowa Code Supplement section 68A.402.

ITEM 46. Amend rule 351—4.24(68A) as follows:

**351—4.24(68A) Reporting of state party building fund transactions.** Pursuant to Federal Election Commission Advisory Opinion 2004-28, the board will permit a state statutory political committee (state party committee) to receive contributions from corporations, insurance companies, and financial institutions when those contributions are placed in the state party building fund account, the contributions are used to pay for costs associated with the building, and all transactions involving the fund are disclosed pursuant to this rule.

~~A state party committee filing a state party building fund report under this rule shall use either the report form prescribed by the board or a computer-generated report so long as the report includes the information required under subrule 4.24(2).~~

**4.24(1) and 4.24(2)** No change.

**4.24(3) Place of filing.** A state party building fund report shall be filed with the board at 510 E. East 12th Street, Suite 1A, Des Moines, Iowa 50319, or by fax at ~~(515)281-3701~~ (515)281-4073; or as an email attachment.

**4.24(4) Time of filing.** A state party building fund report shall be filed on or before January 31 of each year. If mailed, the report must bear a United States Postal Service postmark dated on or before the due date. A faxed or emailed report must be submitted on or before 11:59 p.m. on the due date. If January 31 falls on a Saturday, Sunday, or holiday on which the board office is closed, the due date shall be extended to the next working day when the board office is open.

**4.24(5)** No change.

This rule is intended to implement Iowa Code sections 68A.402A(1) “k” and 68A.503.

ITEM 47. Amend paragraph **4.25(1)“I”** as follows:

*l.* Payment of salaries, fringe benefits, bonuses, and payroll taxes of paid campaign staff. As provided in Iowa Code section ~~68A.302(2) as amended by 2009 Iowa Acts, Senate File 50, section 1,~~ 68A.302(2) “k,” family members who perform actual work or services for a campaign and are not the candidate, candidate’s spouse, or candidate’s dependent children may be compensated for such work or services.

ITEM 48. Amend paragraph **4.25(1)“u”** as follows:

*u.* Repayment of campaign loans made to the committee. ~~As provided in Iowa Code section 68A.302(2) as amended by 2009 Iowa Acts, Senate File 50, section 1, candidates~~ Candidates who make loans to their own committees shall not charge interest on the loans.

ITEM 49. Amend paragraph **4.25(2)“d”** as follows:

*d.* Purchases of small, incidental items such as pencils, pens, rulers and bookmarks provided to members of the public touring the offices of the state or a political subdivision. However, such items distributed on public property shall not expressly advocate the election or defeat of a candidate or the adoption or defeat of a ballot issue as prohibited in Iowa Code Supplement section 68A.505. For example, a bookmark bearing the state seal could be distributed on public property, while a bookmark that identified the donor as a candidate for office could not be distributed on public property.

ITEM 50. Amend rule **351—4.25(68A,68B)**, implementation sentence, as follows:

This rule is intended to implement Iowa Code Supplement sections 68A.301, 68A.302, and 68A.303.



ITEM 51. Amend subrule 4.26(2) as follows:

**4.26(2) *Transfer of assets for same candidate.*** A candidate's committee may transfer funds, assets, loans, and debts to a committee established for a different office when the same candidate established both committees. A candidate seeking to transfer funds, assets, loans, or debts under this subrule shall file either an amended statement of organization disclosing information for the new office sought or register a new committee regardless of whether the \$750 \$1,000 financial filing threshold for the new office will be exceeded.

ITEM 52. Amend rule ~~351—4.26(68A)~~, implementation sentence, as follows:

This rule is intended to implement Iowa Code ~~Supplement~~ section 68A.303.

ITEM 53. Amend rule 351—4.27(68A) as follows:

**351—4.27(68A) Filing of independent expenditure statement.** Pursuant to 2009 Iowa Code ~~Supplement~~ section 68A.404 as amended by 2010 Iowa Acts, Senate File 2354, section 3, any person except a candidate, a committee filing a statement of organization, a federal committee, or an out-of-state committee that makes one or more independent expenditures in excess of \$750 \$1,000 in the aggregate shall file Form Ind-Exp-O. A sole individual making one or more independent expenditures in excess of \$750 \$1,000 in the aggregate shall file Form Ind-Exp-I. A committee that has registered by filing a statement of organization shall disclose an independent expenditure on the appropriate campaign disclosure report.

**4.27(1) *Independent expenditure defined.*** “Independent expenditure” means an expenditure as defined in 2009 Iowa Code ~~Supplement~~ section 68A.404(1) as amended by 2010 Iowa Acts, Senate File 2354, section 3.

**4.27(2) *Independent expenditure reporting.*** When applicable under 2009 Iowa Code ~~Supplement~~ section 68A.404 as amended by 2010 Iowa Acts, Senate File 2354, section 3, and this rule 351—4.27(68A), Form Ind-Exp-O shall be filed by a person and Form Ind-Exp-I shall be filed by a sole individual. Both forms shall be in a format that will enable a person or sole individual making an independent expenditure to comply with all of the reporting requirements in 2009 Iowa Code ~~Supplement~~ section 68A.404 as amended by 2010 Iowa Acts, Senate File 2354, section 3.

**4.27(3) *Place of filing.*** Form Ind-Exp-O and Form Ind-Exp-I shall be filed with the board electronically via the board's Web site website at [www.iowa.gov/ethics](http://www.iowa.gov/ethics) ~~ethics.iowa.gov~~.

**4.27(4) *Time of filing.*** Form Ind-Exp-O or Form Ind-Exp-I shall be filed within 48 hours of the person's or sole individual's making an independent expenditure exceeding \$750 \$1,000 in the aggregate or within 48 hours of disseminating the communication to its intended audience, whichever is earlier. An independent expenditure is deemed made at the time that the cost is incurred regardless of whether or not the costs for the independent expenditure have been billed.

**4.27(5)** No change.

**4.27(6) *Attribution statement applicable.*** Any person that makes an independent expenditure in any amount shall comply with the appropriate “paid for by” attribution statement pursuant to 2009 Iowa Code ~~Supplement~~ section 68A.405 as amended by 2010 Iowa Acts, Senate File 2354, section 4, and by 2010 Iowa Acts, Senate File 2195, section 7, and rule 351—4.38(68A).

This rule is intended to implement 2009 Iowa Code ~~Supplement~~ section 68A.404 as amended by 2010 Iowa Acts, Senate File 2354, section 3.

ITEM 54. Amend rule 351—4.28(68A) as follows:

**351—4.28(68A) Prohibition on contributions and independent expenditures by foreign nationals.** As provided in Federal Election Commission regulation 11 CFR 110.20, a foreign national shall not, directly or indirectly, make a monetary or in-kind contribution, or specifically promise to make a contribution, in connection with a state or local campaign or election in Iowa. A foreign national shall not, directly or indirectly, make a contribution to a candidate or to a campaign committee organized under Iowa Code chapter 68A. Pursuant to 2009 Iowa Code ~~Supplement~~ section 68A.404(2) “c” as

~~amended by 2010 Iowa Acts, Senate File 2354, section 3,~~ foreign nationals are prohibited from making independent expenditures in relation to any state or local election in Iowa.

**4.28(1) Foreign national defined.** “Foreign national” means a person as defined in 2009 Iowa Code Supplement section 68A.404(2)“~~e~~” as ~~amended by 2010 Iowa Acts, Senate File 2354, section 3.~~ 68A.404(2)“c.”

**4.28(2) and 4.28(3)** No change.

This rule is intended to implement 2009 Iowa Code Supplement section 68A.404(2)“~~e~~” as ~~amended by 2010 Iowa Acts, Senate File 2354, section 3.~~ 68A.404(2)“c.”

ITEM 55. Amend rule **351—4.29(68A,68B)**, implementation sentence, as follows:

This rule is intended to implement Iowa Code Supplement section 68A.404.

ITEM 56. Amend subrule 4.30(1) as follows:

**4.30(1) Anonymous contributions in excess of \$10 \$25 prohibited.** No person shall make a contribution in excess of \$10 \$25 to a committee without providing the person’s name and address to the committee. The committee shall not maintain in any campaign account funds in excess of \$10 \$25 that cannot be accounted for and reconciled with the committee’s disclosure reports.

ITEM 57. Amend subrule 4.30(2) as follows:

**4.30(2) Escheat to the state.** Any contribution in excess of \$10 \$25 from an unknown source or campaign funds in excess of \$10 \$25 that cannot be accounted for and reconciled shall escheat to the state of Iowa as required by Iowa Code section 68A.501 ~~as amended by 2007 Iowa Acts, Senate File 39, section 8.~~ A committee required to escheat shall escheat such funds by depositing the funds into the committee’s campaign account and issuing a committee check to the general fund in the same amount. The committee check shall be sent to the board office at 510 East 12th Street, Suite 1A, Des Moines, Iowa 50319, for transmittal to the office of treasurer of state.

ITEM 58. Amend subrule 4.30(4) as follows:

**4.30(4) Notice at fund-raising event.** Pursuant to Iowa Code Supplement section 68A.501, a person requested to make a contribution at a fund-raising event shall be advised that it is illegal to make a contribution in excess of \$10 \$25 unless the person making the contribution also provides the person’s name and address. Notice of the requirement to provide a person’s name and address for a contribution in excess of \$10 \$25 may be made orally or in a written statement that is displayed at the fund-raising event.

ITEM 59. Amend rule 351—4.31(68A), introductory paragraph, as follows:

**351—4.31(68A) Information required for a trust to avoid a contribution in the name of another person.** A contribution to a committee by a trustee solely in the name of the trust constitutes a contribution in the name of another person as prohibited in Iowa Code Supplement section 68A.502 unless the recipient committee publicly discloses the contribution as provided in this rule.

ITEM 60. Amend subrule 4.31(3) as follows:

**4.31(3) Registering a committee.** A trust, except for a living or revocable trust, that raises or spends more than \$750 \$1,000 for campaign activities shall register a political committee (PAC) and shall file disclosure reports. A trust, except for a living or revocable trust, that makes a one-time contribution in excess of \$750 \$1,000 may file Form DR-OTC in lieu of filing a statement of organization and filing disclosure reports.

ITEM 61. Rescind subrule **4.32(3)**.

ITEM 62. Renumber subrules **4.32(4) to 4.32(6)** as **4.32(3) to 4.32(5)**.

ITEM 63. Amend renumbered subrule 4.32(3) as follows:

**4.32(3) Where filed.** Every VSR filed for a contribution in excess of \$50 shall be filed ~~with the board at 510 East 12th Street, Suite 1A, Des Moines, Iowa 50319,~~ electronically using the board’s Web site at www.iowa.gov/ethics, as an E-mail attachment, or by fax at (515)281-4073 website at ethics.iowa.gov.

ITEM 64. Amend renumbered subrule 4.32(4) as follows:

**4.32(4) When filed.** The VSR shall be filed with the board on or before the fifteenth day after the date of the contribution, ~~or mailed bearing a United States Postal Service postmark dated on or before the fifteenth day after the date of the contribution.~~ For purposes of this subrule, “date of the contribution” means the day, month, and year the contribution check is dated. If the board deems it necessary, a copy of any contribution check may be required to be filed with the board. When a copy of a check is required to be filed with the board, the copy shall be filed within ten days after notice by the board.

ITEM 65. Amend renumbered subrule 4.32(5) as follows:

**4.32(5) Enhanced filing.** An out-of-state committee determining that the jurisdiction under which the committee is registered does not have reporting requirements substantially similar to those of Iowa Code Supplement chapter 68A may choose to comply by enhancing the committee’s filing in the other jurisdiction. The enhanced filing shall meet the reporting requirements of Iowa Code Supplement chapter 68A for the reporting period during which contributions to Iowa committees are made. The report shall cover a period of at least one month. An out-of-state committee choosing this option shall comply with the VSR procedures in subrule 4.32(2) and ~~attach a signed statement~~ affirm that the report has been enhanced to satisfy the Iowa reporting requirements.

ITEM 66. Amend rule ~~351—4.32(68A)~~, implementation sentence, as follows:

This rule is intended to implement Iowa Code section ~~68A.201(5)~~ 68A.201A.

ITEM 67. Amend rule 351—4.33(68A) as follows:

**351—4.33(68A) Reporting of earmarked contributions.** A political committee or a political party committee is permitted to receive a contribution that is earmarked to be donated to another committee. A political committee or political party committee receiving and transferring an earmarked contribution is required to list on its disclosure report the name of the contributor and the name of the candidate or committee for which the contribution was earmarked. The political committee or political party committee shall notify the recipient committee in writing of the name of the individual contributor and the name of the committee that ~~originally~~ originally received the contribution. The committee ultimately receiving the earmarked contribution shall disclose on its disclosure report both the name of the individual contributor and the name of the committee that originally received and then transferred the earmarked contribution. A ballot issue committee is not permitted to transfer earmarked contributions except to another ballot issue committee.

This rule is intended to implement 2009 Iowa Code Supplement section 68A.402.

ITEM 68. Amend rule 351—4.35(68A) as follows:

**351—4.35(68A) Permanent organizations forming temporary political committees; one-time contributor filing Form DR-OTC.** Pursuant to Iowa Code section 68A.402(9), a permanent organization temporarily engaging in activity that exceeds the ~~\$750~~ \$1,000 financial filing threshold described in rule 351—4.1(68A,68B) is required to organize and register a political committee (PAC), file disclosure reports, and, upon completion of activity, file a notice of dissolution. A permanent organization that is temporarily a political committee shall comply with all of the campaign laws in Iowa Code chapter 68A and this chapter. A permanent organization that makes loans to a candidate or committee or that is owed debts from a candidate or committee is not deemed to be engaging in political activity requiring registration.

**4.35(1) Form DR-OTC.** A permanent organization that makes a one-time contribution in excess of ~~\$750~~ \$1,000 to a committee may, in lieu of filing a statement of organization, disclosure reports, and a notice of dissolution, file Form DR-OTC. The following information shall be disclosed on Form DR-OTC:

a. to f. No change.

A permanent organization that makes more than one contribution is not eligible to file Form DR-OTC and is required to file a statement of organization, file disclosure reports, and file a notice of dissolution.

**4.35(2) Place of filing.** Form DR-OTC shall be filed with the board at 510 East 12th Street, Suite 1A, Des Moines, Iowa 50319, filed by fax at (515)281-4073, or filed electronically using the board's Web site website at [www.iowa.gov/ethics](http://www.iowa.gov/ethics) [ethics.iowa.gov](http://ethics.iowa.gov).

**4.35(3) Time of filing.** Form DR-OTC shall be filed with the board within ten days after the one-time contribution in excess of \$750 ~~\$1,000~~ is made. The form must be physically received by the board or, if mailed, must bear a United States Postal Service postmark dated on or before the report due date. A faxed or electronically filed Form DR-OTC must be submitted on or before 11:59 p.m. of the tenth day after the organization of the committee is required. If the tenth day falls on a Saturday, Sunday, or holiday on which the board office is closed, the filing deadline is extended to the next working day when the board office is open.

**4.35(4)** No change.

**4.35(5) Partial refund of contribution.** A committee that receives a contribution from a permanent organization that causes the organization to become subject to the provisions of Iowa Code Supplement chapter 68A may refund all or part of a contribution to the organization so as to reduce the contribution to \$750 ~~\$1,000~~ or less and remove the organization's filing obligations.

This rule is intended to implement Iowa Code sections 68A.102(18) and 68A.402.

ITEM 69. Amend rule **351—4.36(68A)**, implementation sentence, as follows:

This rule is intended to implement Iowa Code sections 68A.203 as amended by 2005 Iowa Acts, House File 312, section 5, and 68A.402A.

ITEM 70. Amend paragraph **4.37(2)“a”** as follows:

a. A ledger or similar record-keeping device which details all contributions received by the committee. This record shall include the name and address of each person making a contribution in excess of \$40 ~~\$25~~, with the date and amount of the contribution. In lieu of or in addition to a ledger, the committee may record contributions received through a receipt book or other method of individually documenting the contributions, such as by making and keeping copies of the contribution checks.

ITEM 71. Amend rule **351—4.37(68A,68B)**, implementation sentence, as follows:

This rule is intended to implement Iowa Code Supplement sections 68A.203, 68A.302, 68A.402 and 68A.403 and Iowa Code section 68B.32A.

ITEM 72. Amend rule **351—4.38(68A)**, implementation sentence, as follows:

This rule is intended to implement 2009 Iowa Code Supplement section 68A.405 as amended by 2010 Iowa Acts, Senate File 2354, section 4, and by 2010 Iowa Acts, Senate File 2195, section 7.

ITEM 73. Amend rule 351—4.39(68A) as follows:

**351—4.39(68A) Specific items exempted from or subject to attribution statement requirement; multiple pages.** 2009 Iowa Code Supplement section 68A.405 as amended by 2010 Iowa Acts, Senate File 2354, section 4, and by 2010 Iowa Acts, Senate File 2195, section 7, and rule 351—4.38(68A) require the placement of a “paid for by” attribution statement on published material that expressly advocates for or against a clearly identified candidate or ballot issue, with certain exceptions.

**4.39(1) to 4.39(3)** No change.

This rule is intended to implement 2009 Iowa Code Supplement section 68A.405 as amended by 2010 Iowa Acts, Senate File 2354, section 4, and by 2010 Iowa Acts, Senate File 2195, section 7.

ITEM 74. Amend rule 351—4.40(68A,68B) as follows:

**351—4.40(68A,68B) Newspaper or magazine.** For the purposes of these rules and Iowa Code Supplement section 68A.405, “newspaper or magazine” means a regularly scheduled publication of news, articles of opinion, and features available to the general public which does not require membership in or employment by a specific organization.

This rule is intended to implement Iowa Code Supplement section 68A.405.

ITEM 75. Amend rule **351—4.41(68A,68B)**, implementation sentence, as follows:

This rule is intended to implement Iowa Code ~~section~~ sections 68A.405 and ~~Iowa Code Supplement section 68B.32A(8) as amended by 2006 Iowa Acts, House File 2512, section 3.~~

ITEM 76. Amend rule 351—4.44(68A,68B), introductory paragraph, as follows:

**351—4.44(68A,68B) Prohibited corporate activity.** As provided in ~~2009 Iowa Code Supplement section 68A.503 as amended by 2010 Iowa Acts, Senate File 2354, section 5,~~ a financial institution, insurance company, or corporation is prohibited from using its resources to make monetary or in-kind campaign contributions to a candidate, candidate's committee, political committee that expressly advocates for or against a candidate, or a political party committee. For purposes of this chapter, "corporate entity" shall include financial institutions, insurance companies, and corporations.

ITEM 77. Amend paragraph **4.44(2)"f"** as follows:

*f.* Any other transaction conducted between a corporate entity and a candidate, candidate's committee, political committee that expressly advocates for or against candidates, or a political party committee. Such transaction is presumed to be a corporate contribution unless it is sufficiently demonstrated to the board that the transaction should not be considered a prohibited contribution under ~~2009 Iowa Code Supplement section 68A.503 as amended by 2010 Iowa Acts, Senate File 2354, section 5.~~

ITEM 78. Amend rule **351—4.44(68A,68B)**, implementation sentence, as follows:

This rule is intended to implement ~~2009 Iowa Code Supplement section 68A.503 as amended by 2010 Iowa Acts, Senate File 2354, section 5.~~

ITEM 79. Amend rule 351—4.45(68A,68B) as follows:

**351—4.45(68A,68B) Corporate-sponsored political committee.** These rules do not prevent a corporate entity from soliciting eligible members to join or contribute to its own corporate-sponsored political committee (PAC), so long as the corporate entity adheres to the provisions of Iowa Code ~~Supplement section 68A.503.~~

This rule is intended to implement Iowa Code ~~Supplement section 68A.503.~~

ITEM 80. Amend rule 351—4.47(68A,68B), introductory paragraph, as follows:

**351—4.47(68A,68B) Permitted activity—reimbursement required.** The prohibitions against certain transactions between corporate entities and candidates or committees expressly advocating the election or defeat of candidates contained in Iowa Code ~~Supplement section 68A.503~~ and in rule 351—4.44(68A,68B) are not construed to prohibit activity that occurs consistent with this rule.

ITEM 81. Amend rule **351—4.47(68A,68B)**, implementation sentence, as follows:

This rule is intended to implement Iowa Code ~~Supplement section 68A.503.~~

ITEM 82. Amend rule 351—4.48(68A) as follows:

**351—4.48(68A) Sham newspapers subject to campaign laws.** ~~Iowa Code chapter 68A provides that when a media organization discusses candidates and public affairs, the media organization does not trigger the campaign laws. 2009 Iowa Code Supplement section 68A.503(5)"b" as amended by 2010 Iowa Acts, Senate File 2354, section 5, directs the board to adopt a rule requiring the~~ The owner, publisher, or editor of a sham newspaper who is using the sham newspaper to promote in any way the candidacy of any person for public office ~~to~~ must comply with the requirements of Iowa Code chapter 68A.

**4.48(1)** No change.

**4.48(2) Definitions.** For purposes of this rule, the following definitions apply:

"*Express advocacy*" means "express advocacy" as defined in Iowa Code section 68A.102(14) and rule 351—4.53(68A).

"*Media organization*" means "media organization" as defined in rule 351—4.51(68A).

*“Sham newspaper”* means “sham newspaper” as defined in 2009 Iowa Code Supplement section 68A.503(5) *“b”* as amended by 2010 Iowa Acts, Senate File 2354, section 5. 68A.503(5) *“b.”*

This rule is intended to implement 2009 Iowa Code Supplement section 68A.503(5) *“b”* as amended by 2010 Iowa Acts, Senate File 2354, section 5. 68A.503(5) *“b.”*

ITEM 83. Amend rule 351—4.49(68A,68B), implementation sentence, as follows:

This rule is intended to implement Iowa Code Supplement section 68A.503.

ITEM 84. Amend rule 351—4.51(68A) as follows:

**351—4.51(68A) Candidate debate—media organization; debate structure; debate funding; contribution reporting inapplicable.** Iowa Code Supplement section 68A.503 prohibits corporations from making contributions to state or local candidates in Iowa. This prohibition does not apply to incorporated media organizations that host candidate debates described in this rule.

**4.51(1) to 4.51(3)** No change.

**4.51(4) Contribution reporting inapplicable.** The costs of a debate under this rule are not a reportable monetary or in-kind contribution under Iowa Code Supplement section 68A.402.

This rule is intended to implement Iowa Code Supplement sections 68A.402 and 68A.503.

ITEM 85. Amend subrule 4.52(1) as follows:

**4.52(1) Corporate payroll deductions.** For purposes of interpretation of Iowa Code Supplement section 68A.503, the administrative functions performed by a corporation (profit or nonprofit corporation including, but not limited to, a bank, savings and loan institution, credit union or insurance company) to make payroll deductions for an employee organization’s political committee and to transmit the deductions in lump sum to the treasurer of the political committee shall not be a prohibited corporate activity so long as the corporate entity is serving only as a conduit for the contributions.

ITEM 86. Amend subrule 4.52(3) as follows:

**4.52(3) Allowable costs of administration.** For the purposes of interpreting Iowa Code Supplement section 68A.503, subsection 3 section 68A.503(3), which permits an entity otherwise forbidden from contributing to a candidate or a candidate’s committee for “financing the administration of a political committee sponsored by that entity,” the following are considered to be allowable costs of administration:  
*a. to f.* No change.

An item which is excluded by this subrule from being an allowable cost of administration may still be provided by the committee, so long as that cost is paid for from contributions or other sources of funds other than the parent entity.

ITEM 87. Amend rule 351—4.52(68A,68B), implementation sentence, as follows:

This rule is intended to implement Iowa Code Supplement section 68A.503.

ITEM 88. Amend rule 351—4.53(68A,68B) as follows:

**351—4.53(68A,68B) Express advocacy; in-kind contributions; independent expenditures—definitions.** For the purposes of Iowa Code Supplement chapter 68A, the following definitions apply.

**4.53(1) Express advocacy.** “Express advocacy” means any communication as defined in Iowa Code Supplement section 68A.102(14). “Express advocacy” includes a communication that uses any word, term, phrase, or symbol that exhorts an individual to vote for or against a clearly identified candidate or for the passage or defeat of a clearly identified ballot issue.

**4.53(2)** No change.

**4.53(3) Independent expenditure.** “Independent expenditure” means “independent expenditure” as defined in 2009 Iowa Code Supplement section 68A.404(1) as amended by 2010 Iowa Acts, Senate File 2354, section 3.

**4.53(4) Coordinated expenditure.**

*a. and b.* No change.

*c.* Pursuant to 2009 Iowa Code Supplement section 68A.404(7) as amended by 2010 Iowa Acts, Senate File 2354, section 3, a person making an independent expenditure shall not engage or retain an

advertising firm or consultant that has also been engaged or retained within the prior six months by the candidate, candidate's committee, or ballot issue PAC that is benefited by the independent expenditure. "Engage or retain" shall not include the purchase of goods or products from an advertising firm or consultant when the advertising firm or consultant does not provide guidance, assistance, or advice to the person making the purchase concerning the good or product.

This rule is intended to implement 2009 Iowa Code Supplement section 68A.404 as amended by 2010 Iowa Acts, Senate File 2354, section 3.

ITEM 89. Amend rule 351—4.55(68A) as follows:

**351—4.55(68A) Statement of dissolution; final report; final bank statement.**

**4.55(1) *Statement of dissolution.*** A statement of dissolution (Form DR-3) shall be filed after the committee terminates its activity, disposes of its funds and assets, and has discharged all of its loans and debts. ~~The statement shall be either typewritten or printed legibly in black ink and shall be signed by the person filing the statement. A statement of dissolution filed electronically using the board's Web site is deemed signed when filed.~~

**4.55(2) *Place of filing.*** Statements of dissolution ~~mandated by statute to be filed electronically with the board~~ shall be filed through the board's Web site website at [www.iowagov/ethics](http://www.iowagov/ethics) [ethics.iowa.gov](http://ethics.iowa.gov). A statement of dissolution not mandated by statute to be filed electronically may be filed with the board at 510 East 12th Street, Suite 1A, Des Moines, Iowa 50319; by fax at (515)281-4073; or as an E-mail attachment.

**4.55(3) *Time of filing.*** A committee seeking dissolution shall file a statement of dissolution within 30 days of terminating activity, disposing of funds and assets, and discharging all loans and debts. A statement must be ~~physically received by the board or, if mailed, must bear a United States Postal Service postmark dated on or before the required due date. Faxed or electronically filed statements must be~~ submitted at or before 11:59 p.m. on the required due date. If the due date falls on a Saturday, Sunday, or holiday on which the board office is closed, the due date is extended to the next working day.

**4.55(4) and 4.55(5)** No change.

This rule is intended to implement Iowa Code section 68A.402B as amended by 2010 Iowa Acts, Senate File 2354, section 2.

ITEM 90. Amend rule **351—4.61(68B)**, implementation sentence, as follows:

This rule is intended to implement Iowa Code Supplement section 68B.32A(8).

ITEM 91. Amend rule **351—4.62(68B)**, implementation sentence, as follows:

This rule is intended to implement Iowa Code Supplement sections ~~68A.503 and~~ section 68B.32A(8).

ITEM 92. Amend rule 351—5.8(68A) as follows:

**351—5.8(68A) Holders of certain government positions prohibited from engaging in political activities.** Several statutes outside of the board's jurisdiction prohibit the holders of certain government positions from being engaged in political activities. The board does not enforce these statutory prohibitions. However, to assist the regulated community and the public, the board will maintain on its Web site website at <http://www.state.ia.us/ethics/index.htm> [ethics.iowa.gov](http://ethics.iowa.gov) a list of positions whose holders are prohibited from engaging in political activities.

This rule is intended to implement Iowa Code section 68A.505.

ITEM 93. Amend rule 351—6.10(68B) as follows:

**351—6.10(68B) Prohibition on sales; when public bids required—disclosure of income.** Pursuant to Iowa Code section 68B.3 as amended by 2010 Iowa Acts, Senate File 2067, sections 2 and 3, an official or employee shall not sell, in any one occurrence, goods or services having a value in excess of \$2,000 to a state agency unless the sale is made pursuant to an award or contract let after public notice and competitive bidding and the official or employee making the sale files Form Public Bid with the board within 20 days of making the sale. This prohibition includes sales to the state agency in which the official or employee serves or is employed.

**6.10(1) Exceptions.** The prohibition in Iowa Code section 68B.3 and this rule shall not apply to any of the following:

- a. Sales of goods or services done as part of the official's or employee's state duties.
- b. Sales of goods or services by a member of a board or commission to state executive branch agencies or subunits of departments or independent agencies that are not the subunit of the department or independent agency in which the person serves or are not a subunit of a department or independent agency with which the person has substantial and regular contact as part of the person's duties. "Board" and "commission" as used in this rule mean the same as defined in Iowa Code section 7E.4.
- ~~b. c.~~ The publication of resolutions, advertisements, or other legal propositions or notices in newspapers designated by law for the publication of such materials and for which publication rates are fixed by law.
- ~~c. d.~~ Instruction at an accredited educational institution if the official or employee meets the minimum education and licensing requirements established for other instructors at the educational institution.
- e. A contract for professional services that is exempt from competitive bidding requirements under any provision in the Iowa Code or Iowa Administrative Code.

**6.10(2) Sales to political subdivisions.** An official who sells goods or services to a political subdivision of the state shall disclose on the official's Form PFD as provided in 351—Chapter 7 if income was received from the sale.

**6.10(3) Filing of report.** An official or employee making a sale to a state agency pursuant to Iowa Code section 68B.3 ~~as amended by 2010 Iowa Acts, Senate File 2067, sections 2 and 3,~~ shall file Form Public Bid within 20 days of making the sale. The form shall be filed with the board at 510 East 12th Street, Suite 1A, Des Moines, Iowa 50319; by fax at (515)281-4073; or as an ~~E-mail~~ email attachment. The failure to timely file Form Public Bid with the board within 20 days of making the sale may subject the official or employee to board sanctions under Iowa Code chapter 68B and rule 351—9.4(68B).

This rule is intended to implement Iowa Code section 68B.3 ~~as amended by 2010 Iowa Acts, Senate File 2067, sections 2 and 3.~~

ITEM 94. Amend rule 351—8.3(68B) as follows:

**351—8.3(68B) Individuals not considered executive branch lobbyists.** The following individuals are not considered to be executive branch lobbyists:

- 1. to 6. No change.
  - 7. An individual who is a member, director, trustee, officer, or committee member of a business, trade, labor, farm, professional, religious, education, or charitable association, foundation, or organization ~~and~~ who is not paid compensation ~~or~~ and is not specifically designated as an executive branch lobbyist.
  - 8. to 12. No change.
- Individuals who are uncertain as to whether or not they are considered executive branch lobbyists should contact the board for guidance prior to engaging in any executive branch lobbying.

This rule is intended to implement Iowa Code section 68B.2(13).

ITEM 95. Amend rule 351—8.7(68B) as follows:

**351—8.7(68B) Lobbyist registration required.**

**8.7(1) to 8.7(3)** No change.

**8.7(4) Failure to timely file registration.** An individual who fails to file an executive branch lobbyist registration statement before engaging in executive branch lobbying activities in violation of ~~2011~~ Iowa Code ~~Supplement~~ section 68B.36 may be subject to sanctions by the board as permitted under Iowa Code chapter 68B or rule 351—9.4(68B).

This rule is intended to implement ~~2011~~ Iowa Code ~~Supplement~~ section 68B.36.

ITEM 96. Amend rule **351—8.9(68B)**, implementation sentence, as follows:

This rule is intended to implement ~~2011~~ Iowa Code ~~Supplement~~ section 68B.38.



ITEM 97. Amend rule 351—8.10(68B) as follows:

**351—8.10(68B) Session function registrations and reports.** Pursuant to Iowa Code section 68B.22(4) “s” ~~as amended by 2010 Iowa Acts, House File 2109, section 1,~~ 68B.22(4) “s,” a sponsor of a qualified function is required to file with the general assembly and the board a registration notice prior to the function and a report within 28 days of the function. The board will deem filings with the general assembly as acceptable filings with the board. The board will establish links on its ~~Web site~~ website to the general assembly’s ~~Web site~~ website where the registration notices and reports are posted. The failure of a sponsor to timely file either a registration notice or a report may subject the sponsor to sanctions by the board as permitted under Iowa Code chapter 68B and rule 351—9.4(68B) separate from any sanctions imposed by the general assembly.

This rule is intended to implement Iowa Code section sections 68B.22(4) “s” ~~as amended by 2010 Iowa Acts, House File 2109, section 1,~~ and Iowa Code section 68B.32A(5) ~~as amended by 2010 Iowa Acts, Senate File 2067, section 4.~~

ITEM 98. Amend rule **351—8.11(68B)**, implementation sentence, as follows:

This rule is intended to implement Iowa Code section sections 68B.32A(5) ~~as amended by 2010 Iowa Acts, Senate File 2067, section 4,~~ and Iowa Code section 68B.32A(9).

ITEM 99. Amend rule **351—8.12(68B)**, implementation sentence, as follows:

This rule is intended to implement Iowa Code section sections 68B.32A(5) ~~as amended by 2010 Iowa Acts, Senate File 2067, section 4,~~ and Iowa Code section 68B.32A(9).

ITEM 100. Amend rule **351—8.13(68B)**, implementation sentence, as follows:

This rule is intended to implement Iowa Code section sections 68B.32A(5)<sub>2</sub> ~~as amended by 2010 Iowa Acts, Senate File 2067, section 4,~~ and Iowa Code sections 68B.32A(9)<sub>2</sub> and 68B.33.

ITEM 101. Amend rule 351—15.1(17A) as follows:

**351—15.1(17A) Definition.** For purposes of this chapter, a “waiver” ~~or “variance”~~ means action by the board that suspends, in whole or in part, the requirements or provisions of a rule as applied to an identified individual, business, organization or person on the basis of the particular circumstances of that individual, business, organization or person. ~~For simplicity, the term “waiver” shall include both a waiver and a variance and the~~ The term “person” shall include any individual or entity subject to the board’s jurisdiction.

ITEM 102. Amend rule 351—15.12(17A) as follows:

**351—15.12(17A) Summary reports Reports.** The board shall ~~semiannually prepare a summary~~ submit a report identifying the rules for which a waiver has been granted or denied, the number of times a waiver was granted or denied for each rule and a citation to the statutory provisions implemented by the rules. The report shall include a general summary of the reasons justifying the board’s actions on waiver requests and, if practicable, shall detail the extent to which the granting of a waiver has affected the general applicability of the rule itself. ~~Copies of this report shall be available for public inspection and shall be provided semiannually to the administrative rules coordinator and the administrative rules review committee.~~ This report shall be submitted electronically to the administrative rules coordinator and the administrative rules review committee within 60 days of a waiver being granted or denied.

ITEM 103. Amend **351—Chapter 15**, implementation sentence, as follows:

These rules are intended to implement Iowa Code chapters 17A ~~and, 68A, and 68B~~ and Iowa Code Supplement chapter 68A.